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In re Application of :
John A. Hagan :
Application No. 09/618,500 : DECISION ON PETITION
Filed: July 18, 2000 :
Attorney Docket No. RPC.0515-PUS :

This is a decision on the petition filed by facsimile transmission on October 27, 2004 and October 28, 2004 by which petitioner invokes supervisory authority under 37 CFR 1.181 to compel the examiner to withdraw the notice of noncompliance with 37 CFR 1.192(c) dated October 4, 2004. No fee is required for the petition.

The petition is granted.

For the reasons set forth in the petitions, the examiner's action is not well founded. Petitioner is entitled to choose the language to describe the rejection, and no confusion results therefrom. Petitioner is entitled to argue each particular ground of rejection separately. And an appeal brief filed before the effective date of the recent rule change (which abrogated 37 CFR 1.192) can comply with either 37 CFR 1.192(c) or 37 CFR 41.37(c). See the Notice entitled "Clarification of the Effective Date Provision in the Rules of Practice before the Board of Patent Appeals and Interferences (Final Rule)", published in the Official Gazette for October 12, 2004.

The application is being returned to the examiner via the Supervisory Patent Examiner of Art Unit 3727 for appropriate action not inconsistent with this Decision.

PETITION GRANTED.

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